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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

BARRY WEISFELD,

Defendant.

Adv. Pro. No. 10-04332 (SMB)

**NOTICE OF MEDIATION REFERRAL**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010

Protective Order<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141] (the “Avoidance Procedures Order”). Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard, as trustee (the “Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated Estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on November 30, 2010 [ECF No. 2], the Avoidance Procedures Order is applicable to the instant matter.

Pursuant to the Avoidance Procedures Order, the issues raised in the Trustee’s complaint, are referred to mandatory mediation upon the conclusion of discovery. (Avoidance Procedures Order, ¶ 5A.) Discovery concluded in this adversary proceeding on May 12, 2017.

Pursuant to the Avoidance Procedures Order, within 14 calendar days after the filing of this Notice of Mediation Referral, the Trustee and Defendants (the “Parties”) shall choose a mediator in accordance with the Mediation Order. (Avoidance Procedures Order, ¶ 5B.) If the Parties are unable to agree on a mediator, the Court shall appoint one in accordance with the Mediation Order. (Avoidance Procedures Order, ¶ 5C.)

*[Signature page follows]*

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<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

Dated: New York, New York  
September 29, 2017

**BAKER & HOSTETLER LLP**

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Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Estate of Bernard L. Madoff*